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Peter M. Sales

University of Wollongong, psales@uow.edu.au

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Abstract

The plight of the southern Philippines is a lesson in how not to undertake a peace process. It especially illuminates the pitfalls of negotiating without the wholehearted commitment of the stakeholders, especially the central government. Successive regimes in Manila have made feints at achieving a settlement in Mindanao, but the national leadership has been in turns half-hearted, dilatory and insincere. So the south remains in turmoil despite the best intentions and unflagging efforts of peace advocates. Whatever else, the so-called Mindanao problem has much to teach the international community about intractable warfare. Hard-won lessons in this southernmost and second largest island of the Philippines can undoubtedly contribute to understanding civil unrest and the challenges of peace-building in general

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Road to Nowhere? Peace Efforts in the Southern Philippines

The derailing of the work of peace makers is raising the odds of renewed conflict in Mindanao.

By Peter M. Sales

October 29, 2015

The plight of the southern Philippines is a lesson in how *not* to undertake a peace process. It especially illuminates the pitfalls of negotiating without the wholehearted commitment of the stakeholders, especially the central government. Successive regimes in Manila have made feints at **achieving a settlement in Mindanao**, but the national leadership has been in turns half-hearted, dilatory and insincere. So the south remains in turmoil despite the best intentions and unflagging efforts of peace advocates. Whatever else, the so-called Mindanao problem has much to teach the international community about intractable warfare. Hard-won lessons in this southernmost and second largest island of the Philippines can undoubtedly contribute to understanding civil unrest and the challenges of peace-building in general.



Image Credit: REUTERS/Erik De Castro

Often dismissed as a religious war, the conflict in Mindanao is far too complicated for simplistic labels. Centuries ago, when Spanish (and then American) invaders established control across the archipelago, the southern region was already part of a tide of Malay Islam which resisted Manila-based incursions vigorously. But mainly the Moros – the indigenous Muslims – thrived in an atmosphere of benign neglect. After independence, however, the central power became more assertive and Mindanao fell subject to a form of internal imperialism. The centrifugal impulse towards separatism grew ever stronger among increasingly alienated clans and tribes. It remains difficult for a largely Islamic and fiercely independent *bangsamoro* homeland to identify with a Catholicized, neo-colonial Philippine nationalism. Economic exploitation and rapacious development have compounded feelings of exclusion and powerlessness among Moros, *lumads* (indigenous peoples), and the landless poor.

This Mindanao imbroglio permits the enemies of peace to manipulate complex issues for their own purposes. In such cases, academe, the media, and other opinion makers have a special responsibility to speak truth to power and provide some much-needed analysis. This sort of rigor has been absent in Philippine public life, allowing the worst rogues to reinvent themselves at will and even to interfere with peace initiatives ostensibly to protect the constitution and the sovereignty of the state, thus revealing the difficulties of a weak polity in achieving a political settlement with a disgruntled, rebellious, and distant territory.

During decades of vicious fighting between the Armed Forces of the Philippines (AFP) and a series of secessionist groups, Mindanao has occasionally appeared to be poised on the brink of peace as various political settlements moved towards fruition. The fate of these initiatives explains the nature of the turmoil in the south. Peace efforts since the 1976 Tripoli Agreement reveal a process which insiders appear unable to put into perspective and outsiders simply do not comprehend.

The Moro National Liberation Front (MNLF) under its charismatic leader Nur Misuari led the modern struggle for Muslim independence until surrendering to the administration of Fidel Ramos in 1996 (the so-called Davao Consensus). Such arrangements invariably work in favor of the central government, itself too corrupt and cash-strapped to honor its commitments. Development funds go astray and in the 1996 case Ramos even appears to have introduced the dreaded Abu Sayyaf Group (ASG) into the volatile equation as a means of compromising the Moro cause and linking it to Islamic extremism. And by 2001, Washington had branded Mindanao the Second Front in the new War on Terror. The southern Philippines was dragged into a global predicament and its problems became ever more complicated.

Bangsamoro Basic Law

Most recently, a Memorandum of Agreement – Ancestral Domain (MOA-AD) between the government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF) achieved widespread acceptance, only to be knocked down by the Supreme Court in 2008 as unconstitutional. This in turn led to renewed fighting and the formation of the ruthless Bangsamoro Freedom Fighters (BFF). The latest incarnation of the peace process is the Bangsamoro Basic Law (BBL), an initiative which comes after further drawn out negotiations between the GPH and the MILF. It is intended to put in place a Bangsamoro Autonomous Region (BAR), thereby replacing the existing Autonomous Region of Muslim Mindanao (ARMM), which has not lived up to expectations or quieted secessionist rumblings in the south. But the **BBL has serious problems**.

The impetus for talks emerged largely from a realization by the warring parties that nothing more could be achieved from the fighting other than the peace of the graveyard. But such a shared perception is not in or of itself a sound basis for a settlement of fundamental differences. Something more than exhaustion is required, especially if flare-ups and misunderstandings are to be avoided. On January 25, 2015, a **contingent of the Philippine National Police (PNP) was ambushed** near the township of Mamasapano and 44 commandos were killed along with a number of Moro fighters and civilians.

In the aftermath of this Mamasapano Massacre and with the BBL looking moribund, the Aquino administration convened a group of luminaries to examine the troubled proposal and create a popular consensus around it. Both the government and the various dignitaries who accepted the invitation to serve on this Peace Council showed extraordinary hubris, but a National Peace Summit was duly held in

April to seek views and recommendations. The Peace Council ultimately declared: “While imperfect, [the BBL] is a significant document that should serve as catalyst for building national consensus.” Less clear was the impact of these “responsible and respected leaders” on the general public.

Above all, efforts were being made to endorse the package while conceding that there was need for repairs. A new form of government for the Islamic communities of Mindanao was being appraised on behalf of an extremely suspicious national polity. Various features of the BBL, it was decided, should be defined or refined – or declined. Much of the 196-page report is loquacious, dense, and legalistically abstruse, but its particular failing was that it could not convince a skeptical populace about the value of the BBL. Time is running out for this peace settlement.

Lessons

Meanwhile, the burdens of the conflict allow some useful comparisons with civil unrest elsewhere, including Africa and places like Sri Lanka and Burma. There are many lessons to be learned, some of which are very depressing. How a deeply riven polity can overcome entrenched socio-cultural divisions is a case in point. Mindanao’s painful journey into (or away from) the Philippine nation provides some pointers. That nothing can be done without honest brokers would seem to be especially instructive. On the other hand, the scrutiny of players by reputable and reliable non-players has succeeded only at a superficial level. And the modern habit of describing everyone as stakeholders is especially deceptive, undermining as it does the fact that some people have infinitely more at stake than others. And a few so-called spoilers (foremost among which are splinter groups on both sides) wield far too much power.

Many critics assert, for example, that the part of the armed forces in Mindanao has been consistently disruptive and bellicose. Officers actively seek appointments there, balancing personal risk against valor awards and rapid promotion. Apart from the moral issue of receiving medals for killing one’s countrymen (and women and children), the military elite serves too many functions and asserts too much power in the present situation. With its impunity and immunity, the AFP in Mindanao has become a parallel government, imposing its will on a countryside enduring quasi-martial law. This situation provides an opportunity to evaluate the role of armed forces in civil unrest, which is essential to understanding the militarization of peace. All that appears to have been offered to the *bangsamoro* people is a means to comply with the ambitions of Imperial Manila and “return to the fold of the law.”

Potential gains from a successful agreement are high, but not as high as anticipated by those who tend to link such an achievement with improved governance, public services, development, and tourism. Such returns are possible, but the outcomes of a peace deal and the establishment of a new autonomous region in the south simply cannot – and should not? – be quantified in such a way. In particular, too many stakeholders emphasize a form of developmentalism and economic transition which threaten indigenous interests and would drive many Moros back to armed resistance. Indeed, a major stumbling block for peace in Mindanao is a fundamental lack of agreement about what that actually means!

The current autonomy proposal is itself a compromised compromise. It was not the end point for Muslim separatists and any thwarting of modified Moro aspirations will put independence back on the agenda, along with renewed fighting and a deepening of the insurgent struggle. At present the impulse to independence is contained within breakaway groups like the Bangsamoro Islamic Freedom Fighters (BIFF), which lack either clear goals or capable leaders. They comprise mainly old men, but their message has begun to resonate within youth assemblies. With the BBL’s downward trajectory, Manila’s machinations, and the general anti-Moro sentiments of so many Filipinos will likely condemn any and all moves towards a workable new autonomy agreement and leave Mindanao wracked by another generation of unrest.

“The implementation of all peace agreements and legislation of any Basic Law must be inclusive,” the influential Cotabato-based **Institute for Autonomy and Governance** (IAG) concluded in a recent study. “An autonomy arrangement ‘franchised’ by a group or individual is bound to fail. Processes and structures moving forward must involve and be supported by all key stakeholders including minority groups”. In its upbeat and positivist report, the IAG emphasized four main considerations. First, it argues that agreements between the Philippine government and successive Moro fronts have been “good roadmaps for the evolving development of meaningful autonomy.” But such a claim needs to be based upon some successful outcome; the IAG has chosen to ignore the fact that Mindanao may be further away from a settlement than ever.

Second, the IAG warns that full adoption of the BBL (or any other peace agreement) is not possible in current circumstances. Yet the BBL is an organic document and it is difficult to imagine what a partial implementation might look like. It would certainly have little support.

Third, the BBL remains mired in a legacy “of weaknesses in the national bureaucracy ... and the timidity and lack of capacity of the autonomous government.” So the IAG insists that capacities must be increased and reforms achieved, but this sort of challenge should surely have been resolved earlier in the negotiations. Fourth, the BBL must be inclusive and take into account previous agreements. Pre-existing promises made to the MNLF should be recognized. But such high-minded fiat fail to acknowledge that there has been a centrifugal force at work all along, a path in negotiations marked by defections, factionalism, and disagreements. Many parties do not want to participate and reject inclusivity as a form of compulsion. By the IAG’s own admission, the BBL is in a state of “suspended animation.” Ideas about moving forward assume that the direction is clear and accepted by all, yet at the moment the players in the Mindanao drama seem to lack even a reliable compass.

In the mass of self-serving criticism, the constitutional shortcomings of the BBL have become paramount. A similar device was previously used to destroy the MOA-AD. An obsessive emphasis on legalities simply provides a place for spoilers of whatever ilk to hide, bide their time, then ultimately derail the agreement. The persistent damage caused by an immense lack of goodwill, an extraordinary amount of fear and suspicion, failure of leadership, and eye-watering corruption and duplicity on the part of official agencies and various other parties goes largely unrecognized.

Many observers point to the BBL as being aspirational in nature, but this rather misses the point. To argue, as the IAG does, that it is a “roadmap document” ignores the depth of ill-will waiting on this particular highway to hell. Build on incremental gains, the IAG concludes; a phalanx of weary peace advocates thought they were essentially doing that in order to progress beyond the debacle of the MOA-AD and all that had gone before.

Death Knell

The congressional process will probably be the death knell for the BBL. While the chair of a 75-member ad hoc committee boasted about arranging 32 public hearings and “the most comprehensive and inclusive consultations in the history of the House of Representatives,” he was also pronouncing the demise of the BBL in a fractious and debilitating gabfest. After much contrived delay, the BBL finally went before the two houses of Congress, where it literally fell among thieves (sadly, this is no metaphor; an embarrassing number of legislators have been caught up in the so-called Pork Barrel scandal, including Senator Ferdinand [BongBong] Marcos, Jr, the son of the dictator, who has done much to damage the BBL. If it should even survive parliamentary review, the Supreme Court has indicated serious constitutional concerns. And a plebiscite must follow these interminable considerations. The BBL is being talked to death!

While the rest of the country deals with the shameful news that BongBong Marcos is running for vice-president in next year’s elections, the senator traduces those who fought and died to rid the Philippines of his father’s dictatorship – even as he destroys any chance for peace in the south by imposing impossible constraints on the BBL. Now a clutch of Mindanao groups under the leadership of Orlando Quevedo, Cardinal Archbishop of Cotabato, is fighting back with a public appeal for a workable peace. They seek acceptance of the original BBL, pointing out that the Marcos version is unconstitutional, misleading, and counter-productive. The stakes are high: If Quevedo and his desperate allies do not prevail, the future is certain to be as violent as the past.

But Marcos is not alone. Few stakeholders have treated the peace negotiations openly and honestly; the BBL will surely now disappear under the barrage of fearful Islamophobia, cynical partisanship, vested interest, and massive inertia. Not enough people outside of local communities, those directly affected by the fighting, even want a new autonomous entity in Mindanao. The island of seems to be in the grip of an intractable conflict between successive administrations in Manila and the insurgent forces fighting for a *bangsamoro* homeland in the south. But if there is any prospect for peace at all, it lies with unpacking the past and challenging perceptions of archipelagic history which maintain and strengthen the ruinous *status quo*. The only way forward is to recognize that the Mindanao predicament has been fashioned by entrenched elites and powerful economic interests, which use historical imperatives as a weapon against any consensus for peace.

A political process cannot be carried forward without an immense amount of goodwill and enthusiasm. Yet the BBL has been beaten into its present shape on an anvil of distrust and dissembling. Such rough diplomacy should not be allowed to compromise a reasonable outcome, which can only be achieved through a formula recognizing what is achievable and what is necessary. At this stage the BBL simply has not fired the popular imagination; the need for peace must be more generally appreciated. When the powers-that-be seek only immediate political gains and are not wholly committed to the overall endeavor, failure is certain. The outgoing Aquino administration bears much of the blame for the current impasse, but there is little reward in criticizing a do-nothing regime for doing nothing, especially in regard to confronting the forces arrayed against any accommodation with the Moros.

The passage of the latest peace initiative, along with the establishment of a new sub-state in the south, has fallen behind schedule. The Mamasapano Massacre at the beginning of 2015 led to the suspension of the BBL amidst a veritable tsunami of Islamophobia, finger-pointing, and accusation. Sadly, the eclipse of Moro dreams and the derailling of endeavors by peace advocates raise the likelihood of renewed conflict in Mindanao. The resolution of the crisis lies in its past; solving the crisis would require an overhaul of the prevailing perception of Philippine history and, *ipso facto*, a reworking of ideas about nation and nationalism. Is the Philippine experience inclusive or exclusive? This dilemma is not likely to be resolved any time soon. Hence Mindanao’s current impasse; hence its misery.

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